

MEMORANDUM OF AGREEMENT

among the

FISH AND WILDLIFE SERVICE

and the

FOREST SERVICE

and the

BUREAU OF LAND MANAGEMENT

and the

NATIONAL PARK SERVICE

and the

AGENCY FOR INTERNATIONAL DEVELOPMENT

and the

ENVIRONMENTAL PROTECTION AGENCY

and the

DEPARTMENT OF THE NAVY

to participate in a

FEDERAL NEOTROPICAL MIGRATORY BIRD CONSERVATION COMMITTEE

I. BACKGROUND

Populations of many species of neotropical migratory birds are declining in North America. Recent data for 62 neotropical migrants from the eastern United States, for example, show that 44 had population declines from 1978-1987, including 20 having statistically significant declines. Several neotropical migrants already are federally listed as threatened or endangered under the Endangered Species Act.

The species that appear to be declining most seriously are those associated with forested or grassland habitats in both their breeding areas in North America and wintering areas in the neotropics. There is evidence that the population declines are related to human activities such as deforestation, forest fragmentation, expansion of agriculture, and general habitat degradation.

This Memorandum of Agreement is a followup to a meeting of experts from both public and private sectors in December 1990, at which it was determined that a comprehensive program of research, monitoring and applied management is urgently needed to address the decline of neotropical migratory birds.

II. PURPOSE

The purpose of this Memorandum of Agreement is to establish and describe a Federal Neotropical Migratory Bird Conservation Committee (hereafter referred to as the Committee), which will identify priority conservation needs for neotropical migratory birds and coordinate implementation of programs for addressing those needs.

III. AUTHORITIES

This Memorandum of Agreement is made and entered into among the Fish and Wildlife Service (FWS), Forest Service (FS), Bureau of Land Management (BLM), National Park Service (NPS), Agency for International Development (AID), Environmental Protection Agency (EPA), and Department of the Navy (USN) pursuant to the provisions of the following statutes:

1. FWS: Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2912 (1988); Fish and Wildlife Act of 1956, 16 U.S.C. 742f (1988); Fish and Wildlife Coordination Act, 16 U.S.C. 661 (1988);
2. FS: Economy Act of 1932, 31 U.S.C. 1535 (1988); Multiple Use-Sustained Yield Act of 1960, 16 U.S.C. 528-531.
3. BLM: Federal Land Policy and Management Act of 1976, 43 U.S.C. 1737(b), section 307(b) (1988); and Act approved October 24, 1984, P.L. 98-540, 98 Stat. 2718;
4. NPS: National Park Service Organic Act of 1916, 16 U.S.C. 1 (1988); Economy Act of 1932, 31 U.S.C. 1535 (1988); Fish and Wildlife Coordination Act, 72 Stat. 563, 16 U.S.C. 661 (1988);

5. AID: The Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151; The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, P.L. 101-513.
6. USN: 16 U.S.C. 670c-1(a) Conservation Programs on Military Reservations;
7. EPA: Environmental Policy Act of 1969 (42 U.S.C., 4332).

IV. COMMITTEE MEMBERSHIP, STRUCTURE AND OPERATIONS

The signatory parties mutually agree that:

1. Membership on the Committee is open at any time to any Federal body interested in taking an active role in a neotropical migratory bird conservation program. Membership becomes official at such time as the Memorandum of Agreement is signed by the head of the Federal body or a designee thereof.
2. Members may designate from one to three officials to serve as representatives to the Committee. Each member will inform the Committee Chair, in writing, of the names and positions of its representatives or of any changes in same.
3. The Committee is operational when two or more Federal bodies sign the Memorandum of Agreement.
4. Chairmanship of the Committee shall rotate every two years to a different member Federal body, until each has served once, before repeating. The Committee will be chaired for the first two-year period by a representative of the Fish and Wildlife Service.
5. The Committee shall meet a minimum of twice per year, once in Washington, D.C., and once at a field location. Additional meetings will be scheduled as agreed to by a majority of the Committee.
6. The Fish and Wildlife Service's Office of Migratory Bird Management shall serve as a technical advisory body to the Committee. A representative of the Office of Migratory Bird Management Office shall attend meetings of the Committee and also be available at all times to advise on questions raised by Committee representatives regarding technical aspects of Working Group recommendations or related matters.

V. COMMITTEE RESPONSIBILITIES

The signatory parties mutually agree that the Committee will:

1. Develop and serve as a forum for coordination and implementation of a neotropical migratory bird conservation program, consisting of monitoring, research, management, international programs, and information/education.
2. Establish Working Groups of experts in specific program areas to identify needs and develop alternative conservation options for consideration by the Committee.
3. Encourage members to take appropriate action within the limits of their respective authorities, policies, and budgets.
4. Encourage members to coordinate program implementation with State natural resource agencies where appropriate, and promote cooperative efforts with States through existing agreements or through establishment of new agreements.
5. Evaluate program implementation on a regular basis, to determine how effectively objectives are being met.

VI. WORKING GROUPS

1. Working Groups will be formed as needed to determine needs for monitoring, research, management, information and education, and international programs. Working Groups may, when appropriate, work to plan, coordinate, and facilitate implementation of actions developed by the Committee and report periodically on progress to the Committee, within existing authority, policy review, and budgets.
2. First, Working Groups for Research, International Programs, Population and Habitat Monitoring, and Information/Education will be established. In addition, Working Groups representing four geographic regions (Northeast, Midwest, Southwest, and West) will be established to identify regional management needs of neotropical migratory birds and coordinate activities of Federal, State, and private interests within the regions.

3. Working Groups may be formed or disbanded as needed, at the discretion of the Committee, consistent with the applicable requirements of the Federal Advisory Committee Act. Initial membership will consist of technical experts from both public and private sectors selected by interim co-facilitators appointed by the Committee. Subsequently, members will elect Chairpersons and will invite other experts to serve on the Working Groups as appropriate. The Chairpersons will report to the Committee on deliberations of the Working Groups.

VII. COOPERATORS

1. Any Federal body not desiring formal representation on the Committee, and any State agency, private organization or individual, or foreign government agency in the Western Hemisphere interested in neotropical migratory bird conservation may become a Cooperator. State fish and wildlife agencies are automatically Cooperators through their affiliation with the International Association of Fish and Wildlife Agencies. Cooperators may attend meetings of the Committee as observers, participate in informal open forums with the Committee, and participate in Working Groups.

2. Initial Cooperators are as follows:

Canadian Wildlife Service
Secretariat of Urban Development and Ecology of the
United States of Mexico (SEDUE)
National Fish and Wildlife Foundation
International Association of Fish and Wildlife
Agencies
American Forest Resource Alliance
American Ornithologists' Union
Conservation International
Cornell Laboratory of Ornithology
International Council for Bird Preservation
Manomet Bird Observatory
National Audubon Society
National Wildlife Federation
Point Reyes Bird Observatory
Smithsonian Institution
The Nature Conservancy
The Wilderness Society
Wildlife Conservation International
Wildlife Management Institute
World Wildlife Fund

VIII. LIMITS OF OBLIGATION

1. This Memorandum of Agreement in no way restricts members from participating with other public and private organizations and individuals on activities and programs relating to neotropical migratory birds.
2. Nothing in this Memorandum of Agreement shall be construed as obligating the United States to expend, contract for, or otherwise commit to the future payment of money.
3. Nothing in this Memorandum of Agreement shall be construed as obligating Cooperators to expend funds or to provide resources or be involved in any obligation for future payment of money or provision of resources.
4. This Memorandum of Agreement may be amended at any time by the issuance of a written amendment, consented to, signed and dated by all parties.
5. Any signatory to this Memorandum of Agreement may terminate or withdraw membership by providing 30 day's written notice to the Chairperson of the Committee. The Memorandum of Agreement remains viable as long as at least two Federal bodies remain signatory.

IX. GENERAL REQUIREMENTS

1. During the performance of activities resulting from this Memorandum of Agreement, participants agree to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex, national origin, age, or disability. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.
2. No member of, or delegate to, Congress, or resident Commissioner, shall be admitted to any share or part of this Memorandum of Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Memorandum of Agreement if made with a corporation for its general benefit.


X. EFFECTIVE DATE

IN WITNESS WHEREOF, the parties hereto have entered this agreement as of the dates of the authorizing signatures below:



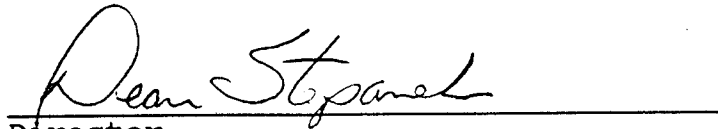
Director
Fish and Wildlife Service

5/14/91
Date



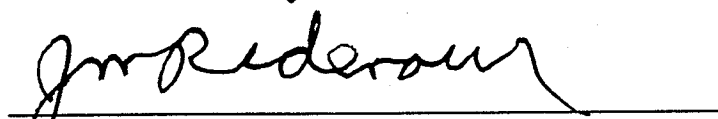
Chief
Forest Service

5/14/91
Date



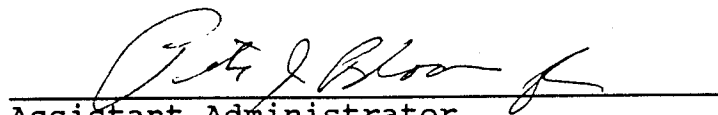
Director
Bureau of Land Management

5/14/91
Date



Director
National Park Service

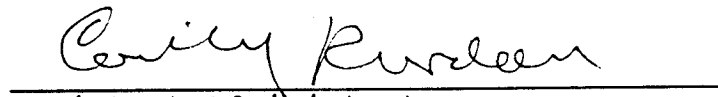
5/14/91
Date



Assistant Administrator
Bureau for Latin America
and the Caribbean
Agency for International Development

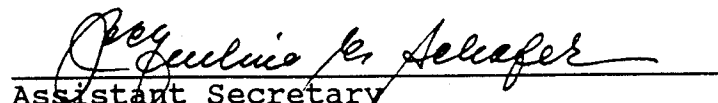
5/14/91
Date

for



Assistant Administrator
Office of Research and Development
Environmental Protection Agency

5/14/91
Date



Assistant Secretary
Installations and Environment
Department of the Navy

5/14/91
Date